

Message Text

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PAGE 01 SANTIA 02601 081845Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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O 081659Z APR 78
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC NIACT IMMEDIATE 8828

C O N F I D E N T I A L SANTIAGO 2601

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FOR ARA, D AND L ONLY

E.O. 11652: GDS
TAGS: PGOV, SHUM, CI
SUBJECT: LETELIER/MOFFITT ASSASSINATION INVESTIGATION

REF: (A) SANTIAGO 2599 (B) SANTIAGO 2600 (C) SANTIAGO 2536

1. MICHAEL VERNON TOWNLEY DEPARTED CHILE 1050 HOURS
APRIL 8 ON ECUATORIANA AIRLINES FLIGHT 052, ACCOMPANIED
BY FBI AGENTS SCHERRER AND CORNICK. FOLLOWING STOPS IN
GUAYAQUIL, QUITO AND PANAMA, FLIGHT IS SCHEDULED TO
ARRIVE NEW YORK 2345 HOURS APRIL 8.

2. WE DO NOT YET HAVE CLEAR PICTURE OF GOC ACTIONS AND
THINKING OVER LAST 18 HOURS. REFTTEL (A) REPORTED
GOC DECISION TO ISSUE FORMAL DECREE OF EXPULSION. REFTTEL (B)
REPORTED TOWNLEY'S ARREST AT 1920 APRIL 7. GOVERNMENT
MINISTER VIDAL CALLED IN MEDIA AT 1945 TO ANNOUNCE EXPULSION
ON GROUNDS TOWNLEY HAD VIOLATED DECREE LAW 1094 OF JULY
19, 1975, GOVERNING ENTRY AND RESIDENCE OF ALIENS (REF. C).
ACCORDING TO NEWS REPORTS LAST NIGHT AND IN PRESS THIS
MORNING, RELEVANT ARTICLES OF DL 1094 PROVIDE FOR 24
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PAGE 02 SANTIA 02601 081845Z

HOOR PERIOD DURING WHICH PERSON BEING EXPELLED CAN
APPEAL TO SUPREME COURT. IF NO APPEAL MADE IN 24 HOURS,
OR IF APPEAL REJECTED BY COURT, GOVERNMENT THEN HAS AN
ADDITIONAL 24 HOURS IN WHICH TO CARRY OUT EXPULSION.

3. ACCORDINGLY, FBI AGENT SCHERRER SURPRISED WHEN HE
RECEIVED CALL FROM POLICE AT 0940 APRIL 8 SAYING

TOWNLEY WAS BEING PLACED ON ECUATORIANA FLIGHT IN ONE HOUR'S TIME. AFTER CHECKING WITH ME, SCHERRER AND CORNICK DEPARTED FOR AIRPORT. I CALLED LAWYER ETCHEBERRY TO MAKE SURE WE COULD NOT BE ACCUSED OF INTERFERING WITH CHILEAN LEGAL REQUIREMENTS. HE SAID THAT EXPULSION IS MATTER BETWEEN GOC AND INDIVIDUAL AFFECTED.

4. AT PUDAHUEL AIRPORT TOWNLEY WAS ESCORTED BY INTERNATIONAL POLICE TO PLANESIDE, WHERE SCHERRER AND CORNICK WERE WAITING. HE BOARDED PLANE, IN HANDCUFFS, WITH SCHERRER AND CORNICK. PLANE DEPARTED SANTIAGO APPROXIMATELY 35 MINUTES BEHIND SCHEDULE.

5. MEDIA REPRESENTATIVES WERE NOT PRESENT AT TOWNLEY'S DEPARTURE BUT ARRIVED IMMEDIATELY THEREAFTER. STORY WAS REPORTED LOCALLY AND BY INTERNATIONAL WIRE SERVICES WITHIN HALF AN HOUR.

6. ACTING FOREIGN MINISTER VALDES CALLED ME SHORTLY AFTER PLANE HAD TAKEN OFF. HE WAS UNWILLING OR UNABLE TO EXPLAIN CONFUSING ASPECTS OF RECENT ACTIONS. HE DID SAY THAT THERE HAD BEEN A MINOR SWITCH OF SIGNALS AT THE LAST MOMENT, BUT EMPHASIZED THAT THE GOC HAD LIVED UP TO ITS AGREEMENT TO EXPEL TOWNLEY TO THE US AS PROMISED.

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PAGE 03 SANTIA 02601 081845Z

7. I HAVE JUST TALKED FURTHER WITH ETCHEBERRY. TOWNLEY'S LAWYER, MANUEL ACUNA, DID PRESENT AN APPEAL TO THE SUPREME COURT THIS MORNING. HOWEVER THE COURT WILL NOT MEET ON IT UNTIL MONDAY, APRIL 10. IF APPEAL IS UPHELD ITS ONLY EFFECT AT HIS POINT WOULD BE TO PERMIT TOWNLEY'S RE-ENTRY INTO CHILE (DESPITE EXPULSION DECREE) AT SOME FUTURE DATE. IN ETCHEBERRY'S VIEW, GOC HAS PLACED ITSELF IN AN UNNECESSARILY DIFFICULT LEGAL POSITION BY EXPELLING TOWNLEY UNDER PROVISIONS ALLOWING FOR APPEAL, BUT THEN NOT WAITING FOR PROCESS TO RUN COURSE. SINCE TOWNLEY ENTERED CHILE WITH A FRAUDULENT US PASSPORT HE COULD HAVE BEEN EXPELLED WITHOUT ANY LEGAL NICETIES.
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